

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 16-18 are pending in the application, with claim 16 being the sole independent claim. Claims 1-4, 6, 8-11 and 19-21 are sought to be canceled without prejudice to or disclaimer of the subject matter therein.

A request for continued examination (RCE) is being submitted concurrently herewith. Therefore, the finality of the Office Action dated December 14, 2004 should be withdrawn and the amendments and remarks set forth herein should be entered and considered. *See* 37 C.F.R. § 1.114(d).

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

I. Rejections Withdrawn

According to the Advisory Action, the provisional non-statutory double patenting rejections based on U.S. Patent Application Nos. 09/720,003 and 09/720,979 have been withdrawn. *See* Advisory Action Continuation Sheet (continuation of item 5). The written description rejection of claims 9, 10 and 16 has also been withdrawn. *See id.* Finally, the enablement rejection of claims 1-4, 6, 8-11 and 16-21 has been overcome "on all bases, except for the treatment of any animal." *See id.* Thus, according to the Advisory Action, the only rejections remaining in this application are:

1. The provisional non-statutory double patenting rejections of claim 16 based on U.S. Patent Application Nos. 09/728,207 and 10/444,661; and
2. The enablement rejection of claims 1-4, 6, 8-11 and 19-21 (relating to methods).

See Advisory Action Continuation Sheet (continuation of item 11). The outstanding rejections are addressed below.

II. Nonstatutory Double Patenting Rejections

A. Application No. 09/728,207

Claim 16 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of copending Application No. 09/728,207. *See* Office Action dated December 14, 2004, page 3. Applicants submit herewith a terminal disclaimer over U.S. Application No. 09/728,207. Thus, this rejection has been fully accommodated and should be withdrawn.

B. Application No. 10/444,661

Claim 16 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/444,661. *See* Office Action dated December 14, 2004, page 5. Applicants submit herewith a terminal disclaimer over U.S. Application No. 10/444,661. Thus, this rejection has been fully accommodated and should be withdrawn.

III. Claim Rejection Under 35 U.S.C. § 112, First Paragraph – Enablement

Claims 1-5, 8-11 and 16-21 were rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. *See* Office Action dated December 14, 2004, page 12. According to the Advisory Action, however, "[t]he enablement rejections of claims 1-4, 6-11, and 16-21 are overcome on all bases, except the treatment of any animal." *See* Advisory Action Continuation Sheet (continuation of item 5). The Examiner also stated that "Applicant's methods claims remain rejected under 35 USC 112, first paragraph, for lacking an enabling disclosure . . ." *See* Advisory Action Continuation Sheet (continuation of item 11). Thus, the only ground of rejection remaining under § 112, first paragraph, is an enablement rejection of the method claims, *i.e.*, claims 1-4, 6, 8-11 and 19-21. Applicants respectfully traverse this rejection for the reasons set forth in Applicants' previous replies.

Nevertheless, solely to expedite allowance of the present application, method claims 1-4, 6, 8-11 and 19-21 have been canceled. Thus, this ground of rejection has been fully accommodated and should be withdrawn.

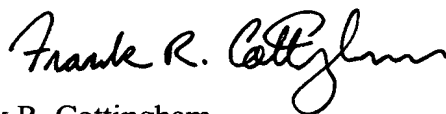
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Supplemental Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, reading "Frank R. Cottingham". The signature is fluid and cursive, with the first name "Frank" and last name "Cottingham" clearly legible.

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